



Housing Committee Public Hearing
February 14, 2013

Testimony of Betsy Crum
Executive Director, Connecticut Housing Coalition

Oppose Proposals to Amend, Repeal or otherwise Alter 8-30g, The Affordable Housing Land Use Appeals Act

Thank you for the opportunity to testify today. My name is Betsy Crum, and I am the Executive Director of the Connecticut Housing Coalition. The Coalition represents a network of over 250 community-based, affordable housing organizations across the state. Our membership includes nonprofit and for-profit developers, social service agencies, property managers, resident associations, and diverse other housing practitioners and advocates. As an organization dedicated to creating and preserving affordable housing in Connecticut, we have intimate knowledge of the challenges and rewards of developing affordable housing in our cities and towns.

Appeals Procedure Background

In 1989, Connecticut enacted landmark legislation to overcome exclusionary zoning practices. The Affordable Housing Appeals Procedure established a new standard of review for municipal zoning decisions concerning affordable housing. Under the Appeals law, a developer denied an opportunity to build affordable housing by a local land use board may appeal the rejection in court. The judge must then determine whether the town's reasons for its denial "clearly outweigh the need for affordable housing." In applying this standard, the court respects bona fide objections, such as genuine traffic safety or sewer problems, for turning down a housing proposal. But zoning decisions based on insubstantial or inappropriate reasons aimed at excluding affordable housing are overturned.

Since its passage, tens of thousands of units of affordable and workforce housing have been produced as a result of this law. The current statewide (all 169 towns) stock of assisted units has increased by about 24,000 since 1992. While impressive, it should also be noted that the courts have repeatedly decided in favor of towns when their reasons for denial were legitimate and based on fact. At least one-third of all decisions have been in favor of the municipality. Further, several amendments were made to the law in 2000, increasing its effectiveness, giving municipalities more safeguards, and closing several loopholes.

The Affordable Housing Land Use Appeals Procedure has provided high-quality affordable, workforce and market rate housing across the state while respecting the legitimate oversight and regulatory rights of local governments.



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Meeting Our Housing Needs

In spite of the strong successes of the Appeals Procedure, the need for affordable housing in Connecticut remains great, and essential to our future success. The State's 2010-2015 "Consolidated Plan for Housing and Community Development" reports that "the state will need approximately 67,888 to 75,893 additional housing units (owner-occupied and rental) by 2015 to meet the growing needs." Economic and racial diversity are critical components of any healthy community, and high quality housing leads to stable families, thriving children and vibrant neighborhoods. More than that, housing means opportunity, jobs, growth and revenue for our state with new. New construction and renovation of real estate is one of our clearest economic drivers. Apartments and homes built provide places for our teachers, police and firefighters to live. Local housing opportunities reduce congestion on our highways from commuters. Businesses will choose to locate or expand in Connecticut when their employees can afford to live here. In short, housing is an engine of economic expansion. Housing is where jobs go at night.

But make no mistake: the spirit of "Not in My Backyard" with respect to affordable housing still threatens to derail efforts to create affordable developments. As a developer of modest-cost and workforce housing myself, I repeatedly faced virulent and organized opposition. One illustration is the Victory Gardens development I initiated in Newington, designed to provide a range of housing for Veterans and their families. The project was strongly opposed locally because it is designed to be both affordable and to serve individuals and families that need services due to their disabilities. Threats were mailed to me, public meetings turned into shouting matches, and the Town Planner and Mayor received countless calls and letters asking that the project be stopped. In the end, the project was not derailed, due in part to the strength of the zoning law that permits it to continue.

Oppose Efforts to Amend 8-30g in H.B. 5479

Since the law was first enacted, the legislature has seen contentious debate and countless bills and amendments directed at the Affordable Housing Appeals Procedure. Effective compromises with broad, bi-partisan support have been forged, and all towns benefit from more effective tools to review proposals and to enforce standards upon developers. Most importantly, a greater proportion of housing that is produced is more affordable and for a longer period. In short, 8-30g works, and should not be changed.

I urge the members of Housing Committee to maintain an effective Affordable Housing Appeals Procedure and take no action on the myriad bills before you. Thank you.



Facts about Connecticut's Affordable Housing Appeals Procedure (8-30g)

An effective anti-exclusionary zoning statute



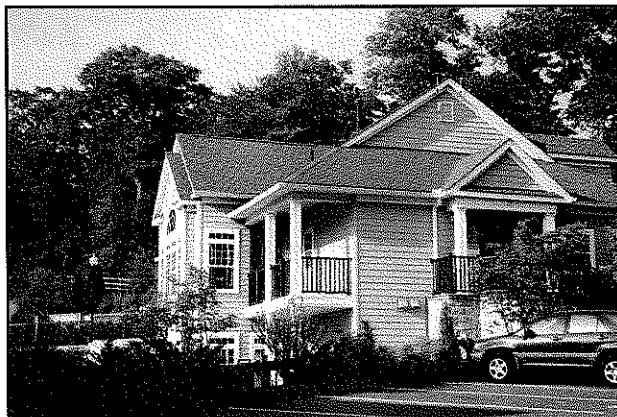
Old Oak Village, Wallingford

30% of set-aside development is deed-restricted for at least 40 years. At least half of the deed-restricted units are affordable to households below 60% and the remainder to households below 80% of area median income.

The current statewide (all 169 towns) stock of assisted units has increased by about 24,000 since 8-30g was adopted.



Cutspring Village, Stratford



Mill Pond, New Canaan

The need for housing that is affordable has never been greater, given the displacement of families by foreclosure and Connecticut's loss of 25-34 year-old workforce members, more than any other state since 1990.

Whenever a municipal zoning commission has effectively documented a substantial health or safety reason to deny an affordable housing proposal, the courts have upheld that denial.



Saranor Apartments, Milford



Summerdale Condominiums, North Haven

In several towns, multi-family rental developments approved under § 8-30g are among the largest "tax positive" properties on municipal Grand Lists.

Towns with substantial qualifying affordable housing construction – no matter how far below the 10% exemption - can obtain a four-year moratorium based on "housing unit equivalent points."



Trumbull Townhomes, Trumbull

"From the beginning, the purpose of Connecticut's affordable housing statute has been to break down barriers that cities and towns may erect through their land-use regulations to prevent racial and economic integration."

Philip Tegeler, President, Poverty & Race Research Action Council, Washington DC